

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DE BOER et al.	Examiner:	Unknown
Serial No.:	10/561410	Group Art Unit:	Unknown
Filed:	December 16, 2005	Docket:	09424.0236USWO
Confirmation No.:	1104	Notice of Allow. Date:	N/A
Due Date:	May 27, 2006		
Title:	DRY POWDER INHALER AND METHOD FOR PULMONARY INHALATION OF DRY POWDER		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841297510 US

Date of Deposit: May 10th, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: [Signature]

Name: John Junker

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notification of Missing Requirements Under 35 USC 371
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Application Data Sheet, 4 pages
- ☒ Check(s) in the amount of \$130 for Submission of Missing Requirements
- ☒ Other: Communication regarding Missing Requirements, Communication regarding Requested Figure, Communication Regarding Foreign Language Reference, English language abstract of French Reference 2 352 556
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: [Signature]

Name: Gregory A. Sebald

Reg. No.: 33,280

GAS/ncb

05/16/2006 MKAYPAGH 00000145 10561410

01 FC:1617

130.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/561,410	FIRST NAMED APPLICANT Anne Haaije De Boer	ATTY. DOCKET NO. 09424.0236USWO
---	--	------------------------------------

INTERNATIONAL APPLICATION NO.

PCT/NL04/00427

I.A. FILING DATE 06/16/2004	PRIORITY DATE 06/16/2003
--------------------------------	-----------------------------

23552

MERCHANT & GOULD PC

P.O. BOX 2903

MINNEAPOLIS, MN 55402-0903

*Miss Requirements 2: 05/27/2006**Miss Requirements 3/PTA: 06/27/2006**Miss Requirements Start: 09/27/2006**GAS*

CONFIRMATION NO. 1104

371 FORMALITIES LETTER



OC000000018388284

Date Mailed: 03/27/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/16/2005
- Copy of the International Search Report filed on 12/16/2005
- Preliminary Amendments filed on 12/16/2005
- Information Disclosure Statements filed on 03/16/2006
- Oath or Declaration filed on 12/16/2005
- Request for Immediate Examination filed on 12/16/2005
- U.S. Basic National Fees filed on 12/16/2005
- Priority Documents filed on 12/16/2005
- Specification filed on 12/16/2005
- Claims filed on 12/16/2005
- Abstracts filed on 12/16/2005
- Drawings filed on 12/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

PROLAW

missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,410	PCT/NL04/00427	09424.0236USWO

S/N 10/561410

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DE BOER et al. Examiner: Unknown
Serial No.: 10/561410 Group Art Unit: Unknown
Filed: December 16, 2005 Docket No.: 09424.0236USWO
Title: DRY POWDER INHALER AND METHOD FOR PULMONARY
INHALATION OF DRY POWDER

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841297510 US

Date of Deposit: May 10th, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: John Junkers

COMMUNICATION REGARDING MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In connection with the above-identified application, enclosed please find the originally signed Combined Declaration and Power of Attorney. Also enclosed is our check in the amount of \$130.00 to cover the Missing Requirements completion fee.

Respectfully submitted,

23552

PATENT TRADEMARK OFFICE

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 5/10/06

By: 

Gregory A. Sebald
Reg. No. 33,280

GAS/ncb

S/N 10/561410

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DE BOER et al.	Examiner:	Unknown
Serial No.:	10/561410	Group Art Unit:	Unknown
Filed:	December 16, 2005	Docket No.:	09424.0236USWO
Title:	DRY POWDER INHALER AND METHOD FOR PULMONARY INHALATION OF DRY POWDER		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841297510 US

Date of Deposit: May 16th, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: [Signature]

Name: John Junkers

COMMUNICATION REGARDING REQUESTED FIGURE

Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, applicant respectfully requests that Figure 3 be printed on the front page of the published application.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record Gregory A. Sebald (Reg. No. 33,280), at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 5/10/06

By: [Signature]

Gregory A. Sebald
Reg. No. 33,280

GAS/ncb

S/N 10/561410

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DE BOER et al.	Examiner:	Unknown
Serial No.:	10/561410	Group Art Unit:	Unknown
Filed:	December 16, 2005	Docket No.:	09424.0236USWO
Title:	DRY POWDER INHALER AND METHOD FOR PULMONARY INHALATION OF DRY POWDER		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841297510 US

Date of Deposit: May 10th 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: John Junker

COMMUNICATION REGARDING FOREIGN LANGUAGE REFERENCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

The applicant hereby asserts that an Information Disclosure Statement was filed in the above-captioned application on March 16, 2006. In that IDS, the applicant cited French reference 20352 556 but was not able to locate either a translation into English or an English abstract. The applicant hereby submits an English abstract paragraph for said reference for the information of the Examiner. The applicant respectfully requests that the reference be considered.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Gregory A. Sebald (Reg. No. 33,280), at (612) 336-4728.

23552

PATENT TRADEMARK OFFICE

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612)332.5300

Dated: 5/10/06

By: 

Gregory A. Sebald
Reg. No.: 33,280

GAS/ncb

FR 2 352 556 describes an apparatus for oral or nasal intake of powders, such as vaccines or medicines.

A cyclone is generated in a cylindrical space when air is sucked through the sucking channel, which is placed on the axis of symmetry of the cyclone. The cyclone has at least two supply channels, one for powder and one for air, the supply channels being tangentially to the cylindrical space. The powder supply channel communicates with a powder reservoir, the air supply channel communicates with the atmosphere. The powder reservoir is a tubular space which in one embodiment comprises a needle on a rod. The needle perforates the top and bottom of a powder capsule thus creating openings through which air can flow. Due to the air circulation in the powder mass, powder is transported to the cyclone and mixed with air. The air-powder mixture is then inhaled by the user. By using a cyclone only the smaller powder particles are inhaled. The user can generate the air flow through the powder mass and cyclone by inhaling, or he can make use of a bellow placed on the powder reservoir. By pressing the bellow and inhaling at the same time, an air flow is generated through the powder mass and the cyclone.